

Adopted at Meeting of 2/ 6/75

RESOLUTION APPROVING AND PROVIDING FOR THE EXECUTION
OF THE AMENDATORY AGREEMENT TO NEIGHBORHOOD DEVELOPMENT
PROGRAM FUNDING AGREEMENT NO. Mass. A-3-1-2, PROJECT NO. Mass. A-3
BY AND BETWEEN Boston Redevelopment Authority
AND THE UNITED STATES OF AMERICA

WHEREAS, the the Boston Redevelopment Authority
(hereinafter called the "Authority") and the UNITED STATES OF AMERICA
(hereinafter called the "Government") have entered into that certain
Neighborhood Development Program Funding Agreement No. Mass. A-3-1-2
dated the 1st day of November, 1973; and

WHEREAS, the parties thereto desire to amend the aforesaid Funding
Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Authority, as follows:

1. That the Amendment to the Aforesaid Funding Agreement, a copy of which is attached hereto and entitled "Exhibit A" is hereby approved and accepted both as to form and substance and the proper officers of the Authority are hereby authorized and directed to execute said Amendment on behalf of the Authority and to impress and attest the official seal of the Authority thereto.
2. That the appropriate officer of the Authority is hereby authorized and directed forthwith to forward said Amendment, as executed on behalf of the Authority to the Government, together with such other documents evidencing the approval and authorizing the execution of said Amendment as may be required by the Government.
3. That this resolution shall take effect immediately.

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FIRST AMENDATORY CONTRACT AMENDING NEIGHBORHOOD DEVELOPMENT PROGRAM
FUNDING AGREEMENT NO: MASS. A-3-1-2

PROJECT NO. MASS. A-3

THIS FIRST AMENDATORY CONTRACT, made and entered into on the date hereinbelow specified, by and between the BOSTON REDEVELOPMENT AUTHORITY (herein called the "Local Public Agency") and the UNITED STATES OF AMERICA (herein called the "Government"); WITNESSETH:

WHEREAS, the parties hereto entered into that certain Neighborhood Development Program Funding Agreement No. MASS. A-3-1-2, dated November 1, 1973, (herein called the "Existing Contract"), and the parties now desire to amend the Existing Contract:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein and in the Existing Contract, the parties hereto agree as follows:

The Existing Contract is hereby amended as follows:

1. By deleting in Section 3(A)(2) thereof the words and figures "One Million, Eight Hundred Fifty Two Thousand, Two Hundred Eighty Nine Dollars (\$1,852,289.00)" and substituting therefor the words and figures "Two Million, One Hundred Seventy Five Thousand, Three Hundred Fifty Dollars (\$2,175,350.00)".
2. By deleting in Section 5(2) thereof the words and figures "One Million, Seven Hundred Two Thousand, Two Hundred Eighty Nine Dollars (\$1,702,289.00)" and substituting therefor the words and figures "Two Million, Thirteen Thousand, Seven Hundred Fifty Dollars (\$2,013,750.00)".
3. By deleting in Section 7 thereof the words and figures "Twelve Thousand, Six Hundred Seventy Two Dollars (\$12,672.00)" and substituting therefor the words and figures "Fifteen Thousand, Seventy Seven Dollars (\$15,077.00)".

Exhibit "A"

4. By adding to Section 12 of the Contract the following Special Conditions:

A. Affirmative Action Plan for Business Opportunity - The Local Public Agency shall complete the Affirmative Action Plan called for in Section 135.70 of the regulations of the Secretary set forth in 24 C.F.R. 135 (published in 38 Federal Register 29220, October 23, 1973) issued pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701 b. prior to the execution of any Contract or Agreement entered into by the Local Public Agency following the date of written notification of approval of this Amendatory Funding Agreement:

- (1) For demolition, site clearance, site preparation, or rehabilitation, newly approved and funded under this Funding Agreement; or
- (2) For the disposition of project land, or construction on project land retained by the Local Public Agency, with respect to which acquisition or site preparation costs are funded under this Funding Agreement.

B. Implementation of Clean Air Act and Federal Water Pollution Control Act - Notwithstanding any other provision of the Contract, the BOSTON REDEVELOPMENT AUTHORITY, hereby:

- (1) Agrees that any facility which is utilized in the performance of this Contract is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR, section 15.20.
- (2) Agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857 c-9) and Section 303 of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in the above statutory provisions, and all regulations and guidelines issued thereunder.
- (3) Agrees to give prompt notice of any notification received from the Director, Office of Federal Activities, EPA, indicating that any facility utilized or to be utilized under the contract is under consideration for listing on the EPA List of Violating Facilities.

- (4) agrees to insert in covered third party contracts, unless exempted pursuant to LHA regulations, the criteria and requirements set forth in paragraphs (a) through (d); and to take such action as the Government may direct as a means of enforcing such provisions. (*The term "covered third party contracts" shall include contracts for demolition, site clearance, site preparation or rehabilitation.)

C. Implementation of Section 102(a) of the Flood Disaster Protection Act of 1973. - Notwithstanding any other provision of this Contract, the BOSTON REDEVELOPMENT AUTHORITY hereby agrees that it shall not make or approve:

- (1) Rehabilitation Grants in accordance with Section 115 of the Housing Act of 1949, as amended, or Rehabilitation Loans in accordance with Section 312 of the Housing Act of 1964, as amended, for property not covered by flood insurance in accordance with Section 102(a) of the Flood Disaster Protection Act of 1973, if such property is included in any area which has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968; or
- (2) Land disposition agreements, or agreements for the temporary use of cleared project land, including any subsequent transfers of interest in such agreements or land, in an area which has been identified by the Secretary as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the purchaser or lessee provides assurances satisfactory to the local public agency that property to be constructed, placed or rehabilitated thereon will be covered by flood insurance in accordance with Section 102(a) of the Flood Disaster Protection Act of 1973.

The term "property" as used herein refers to any building or mobile home and any personal property to which the financial assistance relates.

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IN WITNESS WHEREOF, the Local Public Agency has caused this Amendatory Contract to be duly executed in its behalf and its seal to be hereunto affixed and attested; and thereafter, the Government has caused the same to be duly executed in its behalf on the _____ day of _____, 1975.

(SEAL)

BOSTON REDEVELOPMENT AUTHORITY

ATTEST

BY _____

BY _____

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT

BY _____
AUTHORIZED OFFICIAL

MEMORANDUM

FEBRUARY 6, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: EAST BOSTON NEIGHBORHOOD DEVELOPMENT PROGRAM
FUNDING AGREEMENT CONTRACTS

The Department of Housing and Urban Development has approved the Authority's application to amend the aforementioned contract Mass. A-3-1-2 to increase the Temporary Loan \$323,061 to \$2,175,350 and increase the Capital Grant \$311,461 to \$2,013,750.

HUD has requested the amendment to Funding Agreement Mass. A-3-1-1 to reflect the costs to the termination on June 30, 1973.

Appropriate resolutions are attached for your consideration.

#3022 A-3-1-1
#3023-A-3-1-2

